



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland  
(Housing and Property Chamber) under Section 16 of the Housing (Scotland)  
Act 2014**

**Chamber Ref: FTS/HPC/CV/19/1379**

**Re: Property at 3 North Brighton Cottage, Glencarse, Perth and Kinross, PH2  
7LF (“the Property”)**

**Parties:**

**Mrs Lucy E M Poett, Harviestoun Home Farm, House of Mailer, Perth, PH2 0QA  
 (“the Applicant”)**

**Mr Michael Macleod, 3 North Brighton Cottage, Glencarse, Perth and Kinross,  
PH2 7LF (“the Respondent”)**

**Tribunal Members:**

**Helen Forbes (Legal Member)**

**Decision (in absence of the Respondent)**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the  
Tribunal”) determined that an order for payment should be granted in the sum  
of £8400 in favour of the Applicant.**

**Background**

This is an application made under Rule 70 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 as amended (“the Rules”). The application was made in the period between 7<sup>th</sup> May and 4<sup>th</sup> June 2019, seeking an order for payment in the sum of £6425 in respect of outstanding rent arrears (£6150) and wood pellets (£275) supplied to the Respondent by the Applicant. The obligations arise from a short assured tenancy agreement that commenced on 17<sup>th</sup> April 2017 at a rent of £650 per month. The Applicant lodged a copy of the tenancy agreement and a rent statement with the application.

A Case Management Discussion set down for 24<sup>th</sup> July 2019 was postponed as negotiations were taking place between the parties.

A Case Management Discussion took place on 2<sup>nd</sup> September 2019. Parties were not present. The Applicant was represented by Ms Grace Watson, Solicitor. There had been a late application for postponement of the Case Management Discussion on behalf of the Applicant and the Tribunal was concerned that the Respondent was not aware that the Case Management Discussion was proceeding. The Case Management Discussion was adjourned.

By letter dated 10<sup>th</sup> September 2019, parties were informed of the date, time and place of the next Case Management Discussion.

By letter dated 26<sup>th</sup> September 2019, the Applicant's representative lodged an application to amend the sum sued for to £8400, enclosing an updated statement of outstanding rent.

### **The Case Management Discussion**

A Case Management Discussion took place at Inveralmond Business Centre, Auld Bond Road, Perth on 14<sup>th</sup> October 2019. Neither party was in attendance. The Applicant was represented by Ms Grace Watson, Solicitor. The Tribunal considered that the requirements of Rule 24(1) had been complied with and the Respondent had been notified of the Case Management Discussion. Accordingly, the Tribunal proceeded in terms of Rule 29.

Ms Watson moved the application to amend the sum sued for to £8400. The amendment was granted by the Tribunal. Thereafter, Ms Watson moved for an order in the sum of £8400, explaining that the amended sum did not include the sum of £250 in respect of wood pellets. In the circumstances, the Applicant was not seeking to recover that sum as it would be in addition to the sum in respect of rent and the full amount had not been notified to the Respondent.

### **Findings in Fact**

1. The parties entered into a short assured tenancy agreement that commenced on 17<sup>th</sup> April 2017.
2. In terms of the tenancy agreement, the Respondent was due to pay the sum of £650 per month in rent.
3. The Respondent has fallen into arrears of rent in the sum of £8400.
4. The Applicant is entitled to recover rent lawfully due in terms of the tenancy agreement.

### **Reasons for Decision**

Rent lawfully due to be paid by the Respondent has not been paid. The Applicant is entitled to recover the rent lawfully due.

## Decision

An order for payment in the sum of £8400 is made by the Tribunal in favour of the Applicant.

## Right of Appeal

In terms of Section 46 of the Tribunal (Scotland) Act 2014, a party aggrieved by the decision of the Tribunal may appeal to the Upper Tribunal for Scotland on a point of law only. Before an appeal can be made to the Upper Tribunal, the party must first seek permission to appeal from the First-tier Tribunal. That party must seek permission to appeal within 30 days of the date the decision was sent to them.

Helen Forbes

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Legal Member/Chair

11th October 2019  
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Date